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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,099	03/30/2004	Patrick E. Patterson	07650003C1	3091
23345	7590	05/27/2009	EXAMINER	
MC GUIREWOODS, LLP 1750 TYSONS BLVD SUITE 1800 MCLEAN, VA 22102				SALAD, ABDULLAHI ELMI
ART UNIT		PAPER NUMBER		
2457				
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			05/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/812,099	PATTERSON, PATRICK E.	
	Examiner	Art Unit	
	Salad Abdullahi	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 March 2009.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 74-102 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 75-102 is/are allowed.
 6) Claim(s) 74 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/9/2009</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/9/2009 has been entered.

2. Claims 75-102 are allowed.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 74 is rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claim is neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The method claim including steps of collecting notification information from a recipient of electronic content in response to an attempt to access the electronic content; initiating transmission of the collected notification information to an address other than that of an immediate sender of the electronic content; and

selectively controlling access to the electronic content based on a result of the transmission of the notification information is broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Salad Abdullahi/
Primary Examiner, Art Unit 2457

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75. (Currently amended) A method for acquiring information, comprising the step of:
receiving notification information from a successive computer in response to an attempt to access electronic data having computer executable instructions, the successive computer having previously received the electronic data from another successive computer, a successive computer being a computer that receives the electronic content from a computer other than an original recipient computer;
wherein the notification information is collected by executing

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the computer executable instructions when triggered by an event ~~at one or more successive computers at the successive computer~~ and the notification information is received at a network address other than a network address transmitting the electronic data to the original recipient computer.

76. (Previously presented) The method of claim 75, further comprising the step of:

tracking the one or more successive computers that receive the electronic data based on the receipt of the notification information from the one or more successive computers.

77. (Previously presented) The method of claim 75, further comprising the step of matching an identifier in the notification information with an identifier in a table to compute a charge.

78. (Previously presented) The method of claim 77, wherein the charge is a usage charge.

79. (Previously presented) The method of claim 77, wherein the identifier is at least any one of a user identifier that created the electronic data, an address receiving the notification information, an identifier of the electronic content, and an address specified when the electronic data was created.

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80. (Previously presented) The method of claim 75, wherein the electronic data comprises at least any one of an envelope and one or more files.

81. (Currently amended) The method of claim 75, wherein a portion of the electronic data includes electronic content other than the computer executable instructions.

82. (Currently amended) The method of claim 81, wherein the computer executable instructions deny access to the electronic content until the collected notification information has been transmitted to the network address other than the network address transmitting the electronic data.

83. (Previously presented) The method of claim 82, wherein the executable instructions selectively deny access to a part of the electronic content.

84. (Previously presented) The method of claim 81, wherein the electronic content includes at least any one of a text file, a graphics file, an audio file, a video file, an instruction file, and a program file.

85. (Previously presented) The method of claim 75, wherein the event is at least one of:

- (i) an attempt by a user to access the electronic data;
- (ii) an attempt by a user to save the electronic data;

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(iii) an attempt by a user to delete the electronic data; or (iv) an attempt by a user to list the electronic data.

86. (Previously presented) The method of claim 75, wherein the notification information includes user information collected by querying a user for personal information.

87. (Previously presented) The method of claim 75, wherein the notification information at least in part includes one of market data and demographic data.

88. (Previously presented) The method of claim 75, further comprising prompting for user identification at

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the one or more successive computers.

89. (Previously presented) The method of claim 88, further comprising granting access to at least a portion of the electronic data based on the user identification.

90. (Previously presented) A method for assessing fees or controlling information, comprising the steps of:

receiving electronic data having at least in part computer executable instructions from a sending computer;

transmitting the received electronic data and executable instructions to one or more successive computers; and

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wherein the computer executable instructions are executed at the one or more successive computers and upon transmission of an authorized user identifier to a network address other than a network address of the sending computer, access is granted to at least a portion of the electronic data.

91. (Previously presented) The method of claim 90, further comprising the step of updating information based on the authorized user identifier.

92. (Previously presented) The method of claim 91, wherein the step for updating information includes updating a usage charge.

93. (Previously presented) The method of claim 90, further comprising the step of obtaining user information when the computer executable instructions are executed.

94. (Previously presented) The method of claim 93, wherein the user information includes at least any one of a personal information, a market information, and a demographic information.

95. (Previously presented) The method of claim 93, further comprising the step of computing a charge when the user information is received at a network address other than a network address of the sending computer.

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96. (Previously presented) The method of claim 95, wherein the user information includes at least any one of a personal information, a market information, and a demographic information.

97. (Previously presented) The method of claim 90, further comprising denying access to at least part of the electronic data until user information is received at the network address other than the network address of the sending computer.

98. (Previously presented) The method of claim 90, wherein the electronic data is received from a server.

99. (Previously presented) The method of claim 90, further comprising encrypting at least a part of the electronic data.

100. (Previously presented) The method of claim 90, further comprising the step of receiving an access granting message at the one or more successive computers.

101. (Currently amended) The method of claim 74, further comprising the steps of:

transmitting the electronic content from [[the]] a computer collecting the notification information to one or more successive computers; and
wherein an access granting message is sent to the one or more successive computers to selectively control access to the electronic information.

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102. (Previously presented) The method of claim 90, wherein the granting access to at least a portion of the electronic data is also based in part on the result of a transmission of notification information.